

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
CIVIL MINUTES**

Case Title: Russell Wayne Lester

Case No.: 20-24123 - E - 11

Docket Control No. FWP-2

Date: 09/01/2020

Time: 1:30 PM

Matter: [12] - Motion/Application Granting Replacement Liens [FWP-2] Filed by Debtor Russell Wayne Lester (isaf) [12] - Motion/Application Scheduling Final Hearing Pursuant to Bankruptcy Rule 4001 [FWP-2] Filed by Debtor Russell Wayne Lester (isaf) [12] - Motion/Application to Use Cash Collateral [FWP-2] Filed by Debtor Russell Wayne Lester (isaf)

Judge: Ronald H. Sargis

Courtroom Deputy: Nancy Williams

Reporter: Diamond Reporters

Department: E

APPEARANCES for:

Movant(s):

(by phone) Debtor - Russell Wayne Lester; (by phone) Debtor's Attorney - Thomas A. Willoughby; Atty Lauren Kawano by phone

Respondent(s):

(by phone) Creditor's Attorney - Douglas H. Kraft; Mr. Russell Burbank, Atty Booker Carmichael, Atty Jason DeJonker, Atty Jaime Dreher, Atty Douglas Kraft, Atty Nichola Marcus, Atty Christopher Seymour, Atty Stephen Reynolds, Atty Karen Suenram all parties by phone

CIVIL MINUTES

HEARING TO BE HELD ON 9/17/2020 at 11:00 AM at Sacramento Courtroom 33, Department E

See Findings of fact and conclusions of law below

The Motion for use of Cash Collateral through September 18, 2020 is granted, and a replacement lien is granted First Northern Bank of Dixon for any diminution in value of its collateral by the use of the cash collateral.

**The hearing on the Motion is continued to 11:00 a.m. on September 17, 2020.
Oppositions shall be filed and served by 2:00 p.m. on September 14, 2020.**

The court's findings of fact and conclusions of law were orally stated on the record at the September 1, 2020 hearing.

The Motion is granted and the use of cash collateral is granted on an interim basis through September 18, 2020, with the expenses to be paid with such monies on the first page of Exhibit F, Dckt. 16 at exhibit p. 79, numbered 1 of 16.

First Northern Bank of Dixon is granted a replacement lien on the real property identified as Putah Creek Road Property (on which the Bank already holds claims secured by first and second deeds of trust) and a senior in priority priming lien on the 2020 walnut crop and proceeds thereof grown on the Debtor's property. The use of the cash collateral is primarily to pay the costs and expenses of preparing for and harvesting that walnut crop.

The replacement lien is for any diminution in the value of the Bank's collateral and is not granted to secure any previously unsecured portion of any claim of the Bank.

The Debtor is also listed as a co-owner on a checking and savings account with their daughter. The Debtor's daughter is now 26 years old and the Debtor's name has not been removed from the account. The cash collateral order will also authorize Wells Fargo Bank, N.A. to remove the Debtor from the account and allow the daughter to access the monies therein for all amounts under \$1,500.00.